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6 IN THE UNITED STATES DISTRICT COURT  
7 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
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9 SORIBA BANGOURA,

No. C-12-3229 MMC

10 Plaintiff,

**ORDER RE: PLAINTIFF'S REQUEST  
FOR DENIAL OR CONTINUANCE OF  
MOTION FOR SUMMARY JUDGMENT;  
CONTINUING BRIEFING SCHEDULE  
AND HEARING ON DEFENDANT'S  
MOTION FOR SUMMARY JUDGMENT**

11 v.

12 ANDRE-BOUDIN BAKERIES, INC.,

13 Defendant.  
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16 Before the Court is defendant Andre-Boudin Bakeries, Inc.'s "Motion for Summary  
17 Judgment, or Alternatively, for Summary Adjudication of the Issues," filed March 8, 2013.  
18 Also before the Court is the "Declaration of Plaintiff Soriba Bangoura in Support of Request  
19 for Denial or Continuance of Summary Judgment Under FRCP 56 (D)," filed March 21,  
20 2013, to which defendant has filed a response.

21 In his declaration, plaintiff states he is "financially unable" to copy "materials to  
22 support [his] opposition" to defendant's motion for summary judgment. (See Bangoura  
23 Decl. ¶ 2.) Plaintiff identifies the materials as defendant's "responses" to plaintiff's  
24 discovery requests, plaintiff's "medical and psychological records," plaintiff's "financial  
25 hardship documentation," plaintiff's "full and complete deposition," "affidavits and  
26 declarations" from "friends, roommates and [plaintiff]," "housing photographs," and "some  
27 digital voice record[s]." (See id. ¶ 3.) Plaintiff asserts said materials will "raise a genuine  
28 issue of material fact[ ]." (See id. ¶ 4.) Based on the above-referenced statements,

1 plaintiff seeks relief under Rule 56(d) of the Federal Rules of Civil Procedure.

2 "A party requesting a continuance pursuant to Rule 56[d] must identify by affidavit  
3 the specific facts that further discovery would reveal, and explain why those facts would  
4 preclude summary judgment." Tatum v. City and County of San Francisco, 441 F.3d 1090,  
5 1100 (9th Cir. 2006). Here, although plaintiff identifies in his declaration several  
6 documents, he has failed to identify any specific fact those documents would reveal, let  
7 alone explain how any such fact would preclude summary judgment. Moreover, although  
8 documents pertaining to plaintiffs' medical/psychological records, financial hardship, and  
9 housing situation might, arguably, serve to establish plaintiff's damages in the event plaintiff  
10 proves defendant violated Title VII or some other provision of law, defendant's motion goes  
11 only to the issue of liability; consequently, evidence pertaining to damages would not  
12 establish a triable issue of fact relevant to the instant motion. Finally, the Court notes,  
13 plaintiff has been able to file voluminous exhibits, in particular, his Second Amended  
14 Complaint, to which plaintiff has attached over 140 pages of exhibits as well as a compact  
15 disc.

16 Accordingly, plaintiff has failed to show he is entitled to relief under Rule 56(d).

17 As the date by which plaintiff's response to defendant's motion has passed,  
18 however, the Court will extend the briefing schedule to afford plaintiff the opportunity to file  
19 a substantive opposition to defendant's motion. Specifically, the Court hereby  
20 CONTINUES those dates as follows:

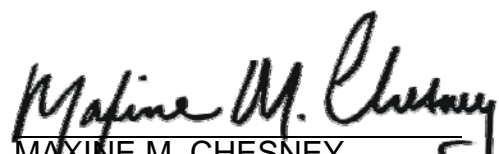
21 1. No later than April 19, 2013, plaintiff shall file any opposition to defendant's  
22 motion.

23 2. No later than May 3, 2013, defendant shall file any reply

24 3. The hearing on the motion is continued to May 17, 2013.

25 **IT IS SO ORDERED.**

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27 Dated: March 29, 2013

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MAXINE M. CHESNEY  
United States District Judge